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**From:** Fernandez, Cristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D527D0DD7E24EB5B1777B00A8EE6B2A-CFERNAND]  
**Sent:** 10/6/2021 2:24:08 PM  
**To:** Esher, Diana [Esher.Diana@epa.gov]; Opila, MaryCate [Opila.MaryCate@epa.gov]  
**CC:** Thomas, Donzetta [Thomas.Donzetta@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Beers, Samantha [beers.samantha@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]  
**Subject:** RE: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Hi Diana,

Thank you for taking the time to share this with ARD.

Cristina

Cristina Fernández, Director  
Air & Radiation Division (3AD00)  
U. S. Environmental Protection Agency, Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2023  
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**From:** Esher, Diana <Esher.Diana@epa.gov>  
**Sent:** Wednesday, October 06, 2021 7:44 AM  
**To:** Fernandez, Cristina <Fernandez.Cristina@epa.gov>; Opila, MaryCate <Opila.MaryCate@epa.gov>  
**Cc:** Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** FW: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Good morning,

# Ex. 5 Deliberative Process (DP)

Diana

Diana Esher  
Acting Regional Administrator  
US EPA Region 3  
215-814-2706  
[eshher.diana@epa.gov](mailto:eshher.diana@epa.gov)

**From:** Rodrigues, Cecil

**Sent:** Tuesday, October 05, 2021 8:30 AM

**To:** Esher, Diana <Esher.Diana@epa.gov>; Leonard, Paul <leonard.paul@epa.gov>

**Subject:** FW: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Diana:

# Ex. 5 Deliberative Process (DP)

## Summary of Comments:

The Department should address environmental injustice in this permit application.

1. Chester is an Environmental Justice community.
2. Chester has suffered a disproportionate burden of air pollution from local industrial facilities.
3. Chester has a well-documented history of disproportionately high rates of respiratory and other health problems, especially asthma.

II. The Department has legal authority to address environmental injustice in the context of this permit

The Department should abandon the notion that it “must” grant an application for a Title V Operating Permit that meets minimum requirements.

1. The law does not compel the Department to approve an application for an operating permit.
  2. The Department’s policy that it must grant an application that meets all applicable regulatory and statutory requirements is unlawful as a matter of law.
- II. The Department should disapprove the permit application in the absence of any analysis that it will not cause “Air Pollution” as defined in state law and regulation.
1. Federally-enforceable state regulations require the Department to disapprove an application for an operating permit if it determines that the source “is likely to cause air pollution.”
  2. The Department should disapprove the application because the Applicant and the Department have not performed any analysis whether the Facility will harm human health.

Thanks. Cecil.

Cecil Rodrigues (he/him/his)

Regional Counsel (3RC00)

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